

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In Re:)
Delete, Delete, Delete) GN Docket No. 25-133

INITIAL COMMENTS OF VANTAGE POINT SOLUTIONS

Vantage Point Solutions, Inc. (“VPS”) welcomes the opportunity to comment regarding deregulatory initiatives that “would facilitate and encourage American firms’ investment in modernizing their networks, developing infrastructure, and offering innovative and advanced capabilities.”¹ VPS is a premier national telecommunications and broadband engineering and consulting firm. As the technological and regulatory landscape for telecommunications has shifted since the adoption of the 1996 Telecommunications Act (“TCA”), VPS has aided carriers in updating their networks and complying with state and federal regulations.

VPS proposes that the Federal Communications Commission (“FCC” or “Commission”) remove any 47 U.S.C. § 214 and 47 C.F.R. Part 63 discontinuation application requirements when carriers convert from time division multiplexing (“TDM”) based voice service to Interconnected Voice-over-Internet-Protocol (“IVoIP”) service. The technological and regulatory changes since these rules were originally adopted have now made these discontinuation rules an impediment to the conversion to Internet Protocol (“IP”) that is now an important focus of the Commission. As noted below, two key Commission initiatives are impacted by this now unnecessary delay in the path to all IP networks (i.e. NG911 and robocall

¹ See Public Notice, In Re: Delete, Delete, Delete, GN Docket No. 25-133 (Mar. 12, 2025) <https://docs.fcc.gov/public/attachments/DA-25-219A1.pdf>.

mitigation). The FCC has a policy goal of accelerating the transition from aging copper lines to modern network infrastructure. It has recently released four orders to “streamline[] the process for retiring decades-old copper networks so that providers can transition consumers and their resources to new, high-speed networks on a faster timeline.”² VPS’s request is the logical “fifth” step to accomplishing this goal.

Current Rules Regarding TDM to IVoIP Conversion

Currently, a carrier seeking to discontinue its TDM-based voice service and replace the service with IVoIP must file for discontinuation approval from the FCC pursuant to 47 U.S.C. § 214 and 47 C.F.R. Part 63.

If there are no remaining TDM-based voice service providers using the same medium for transmission to the end user in the discontinuation area, special rules for a “technology transition” apply and the application is subject to additional scrutiny with extra requirements.³ Converting from TDM-based voice to Internet Protocol (“IP”) is considered a “technology transition” under the rules.⁴

Converting from TDM-based voice service to IVoIP should not require any application to the FCC to discontinue. Rather than continuing to modify the rules pertaining to “technology transitions”⁵ or granting waivers,⁶ the FCC should amend its regulations to eliminate the requirement to file a discontinuation application altogether when the transition involves conversion from TDM-based voice

² See *generally* FCC Cutting Red Tape to Unleash New Infrastructure Investments (Mar. 20, 2025).

³ See 47 C.F.R. § 63.602.

⁴ See 47 C.F.R. § 63.60(i).

⁵ See *generally* Order on Clarification, In the Matter of Technology Transitions, Docket No. 13-5 (Mar. 20, 2025) (clarifying rules for the “Adequate Replacement Test”).

⁶ See Petition of USTelecom - The Broadband Association for Limited Waiver, WC Docket No. 17-84 (Feb. 27, 2025) (seeking a limited waiver of the “stand alone” voice service requirements of the “alternative options test,” 47 C.F.R. § 63.71(f)(2)(ii)(A)-(B), used to seek streamlined treatment for an application to discontinue legacy voice service).

service to IVoIP. In the alternative, the FCC could require a simple notice filing without any approval requirements, filing fees, or evidentiary showings.

Rationale for Removing TDM to IVoIP Discontinuation Application Obligations

Cost-Benefit Considerations

Depending on whether the discontinuation application is considered “streamlined” or “non-streamlined,” carriers will incur a filing fee of \$335 or \$1,230, respectively. Usually, a carrier will hire a consultant or attorney to assist in filing the application which can run several thousands of dollars. FCC staff may ask for additional information, meetings, supplemental pleadings, etc. which can also add to the expense. Carriers could see additional expenses if the application becomes contested or denied and additional litigation costs are incurred. A routine application may run anywhere from \$5,000 - \$10,000 to \$20,000+ in a more contested or involved application. Carriers may also run into timing issues when they are coordinating within their organization to convert their network on a specific date and they run into delays at the FCC.

The benefit of the application is that it gives the public or the FCC an opportunity to object to the discontinuance to protect them from losing a public utility service in the region. 47 C.F.R. § 63.71 requires notification to state governors, state public utility commissions, and members of the public. So, these stakeholders are given an opportunity to weigh in. Sometimes they object or want certain conditions placed upon the carrier upon discontinuation. Sometimes the FCC objects to the discontinuation. Sometimes objections are based upon sound public policy and sometimes objections are procedural in nature and based on the confusing minutia of regulations.

However, now that the FCC encourages and, in some instances, requires carriers to switch to IP networks to comply with their other regulations, there should be no valid objection to a TDM to IVoIP conversion. Conversion from TDM to IVoIP should not be viewed as a discontinuation or

abandonment of a public utility service needing review and approval. The costs of these types of discontinuation filings outweigh the benefits. They have now become regulatory red-tape and an impediment to IP conversion.

Experience Gained from the Implementation of the Rule

VPS' experience has been that the discontinuation rule for a technology transition from TDM to IVoIP is confusing to carriers. Many do not realize that the FCC views these items as two discrete events – a discontinuation of TDM and a subsequent “technology transition” in the region to IVoIP – a type of service yet to be classified by the FCC as a “telecommunications” or “information” service. Many carriers think that they are continuing to serve customers with more advanced technology to meet current market and regulatory needs and they are simply not discontinuing service to anyone. They view it as an enhancement rather than a discontinuation. The fact that conversion is viewed as a discontinuation, reduction, or impairment of service does not cross their minds.

Carriers are also confused about the difference between copper to fiber conversions vs. TDM to IVoIP conversions. While TDM can be done with fiber, most carriers that convert from copper to fiber switch to IP-based voice at the same time. Carriers may find FCC guidance online that they are allowed to convert from copper to fiber if they give customer notices, battery backup notices, and 911 disclosures. But they may not realize that the simple act of conversion is viewed by regulators as a discontinuation or abandonment of TDM and that it must be proven via application and evidentiary showings that the IVoIP replacement will continue to meet the public utility needs of the affected stakeholders.

Carriers are also confused that the FCC's policies appear to be in favor of modernization of the network and regulations increasingly require IP to meet the obligations - yet they somehow need

approval to switch from TDM to IVoIP. This contradiction should be resolved by removing the discontinuation application requirement.

Marketplace and Technological Changes

Requiring TDM discontinuation for an IVoIP conversion used to make some sense in the early days of IVoIP where packet loss, routing issues, call completion issues, functionalities, etc. made IVoIP sometimes an inferior substitute for traditional TDM service. However, the marketplace and technical standards have changed so much that this is no longer a major concern. The main difference between TDM and IVoIP is that IVoIP cannot function during a power outage. But, customers can purchase a backup battery if they choose.

Although under the existing rules a TDM-based voice service conversion to IVoIP is viewed as a “discontinuance” of the TDM service and implementation of a new type of voice service, the reality is that IVoIP is functionally no different from TDM from the customer’s perspective. A customer still picks up a phone and dials a number to talk to someone. It is just voice service using different signaling and transmission protocols. It should not be viewed as a “discontinuation” anymore to switch those signaling and transmission protocols to SIP and IP from SS7 and TDM. IVoIP technology has come such a long way that it is not an inferior substitute for TDM-based voice service. In fact, the FCC is mandating that critical 911 services be delivered via IP upon the request of a 911 Authority.⁷

Regulation as Barrier to Entry:

While IVoIP providers are not required to obtain licensure from the FCC to operate, carriers seeking to convert from TDM to IVoIP still must get approval to discontinue their TDM. If the FCC truly desires the modernization of the network and conversion to IP, there is simply no need for this

⁷ See 47 C.F.R. § 9.29(a).

type of discontinuation application. Additionally, if the FCC requires utilization of IP to meet other regulatory requirements, it does not make sense to require regulatory approval for the conversion. Dollars spent on applying for discontinuation authority could be used for network upgrades or anything other than regulatory/legal fees.

Changes in the Broader Regulatory Context:

There are two primary regulatory requirements that are inconsistent with the requirement to file a discontinuation application for TDM to IVolP conversion.

The first is Robocall Mitigation/Caller ID Authentication which requires carriers to become STIR/SHAKEN compliant. 47 C.F.R. § 64.6303(a) requires a voice service provider to “(1) upgrade its entire network to allow for the initiation, maintenance, and termination of SIP calls and fully implement the STIR/SHAKEN framework in § 64.6301 throughout its network; or (2) maintain and be ready to provide the Commission upon request with documented proof that it is participating, either on its own or through a representative, including third party representatives, as a member of a working group, industry standards group, or consortium that is working to develop a non-internet Protocol caller identification authentication solution, or actively testing such a solution.”

If the FCC requires compliance by upgrading to allow for SIP calls (essentially convert from TDM to IVolP), then there is no logical reason to require the carrier to get permission to do so through a section 214 discontinuation application.

The second is NG911. Under 47 C.F.R. § 9.29(a), an originating service provider has an obligation to deliver all 911 bound traffic to the relevant PSAPs in “the IP-based SIP format requested by the 911 Authority” within 6-12 months depending upon the deadlines in § 9.30. If IP-based 911 traffic delivery is legally required upon a valid request from a 911 Authority, it makes no sense for a TDM provider to seek permission to discontinue TDM and convert to IVolP. What happens if the

FCC denies the carrier's 214 discontinuation application to transition to IVoIP? Will they face penalties pertaining to their failure to comply with NG911 obligations? This contradiction should be addressed by eliminating the 214 discontinuation requirements for a TDM to IVoIP conversion.

Changes in, or Other Implications of, the Governing Legal Framework:

The governing legal framework (i.e. 47 U.S.C. § 214) for this issue has not changed since 1996. Only the FCC regulations and interpretations of the statute have changed. VPS knows of no impediment to the FCC clarifying or amending its regulations to indicate that TDM to IVoIP conversion does not constitute a discontinuation or require an application, and in fact will facilitate the desired conversions to IP still needed across the ecosystem.

47 U.S.C. § 157(a) states that “it shall be the policy of the United States to encourage the provision of new technologies and services to the public...”

47 U.S.C. § 160(a) gives the FCC authority to “forbear from applying any regulation or any provision of this chapter to a telecommunications carrier or telecommunications service...” if certain findings are made.

Whether the FCC waives application of 47 U.S.C. § 214 to a TDM to IVoIP conversion or interprets the statute in such a way that conversion from TDM to IVoIP does not constitute a discontinuance, reduction, or impairment of service to a community (and reflect the same in the regulations), the goal can legally be achieved.

Conclusion

VPS respectfully requests that the FCC consider its suggestion to remove any 47 U.S.C. § 214/ 47 C.F.R. Part 63 discontinuation application obligations pertaining to TDM to IVoIP conversion.

Respectfully submitted,

Michael Neeley

Michael Neeley
Manager of Regulatory and Legal
Vantage Point Solutions
2211 N. Minnesota St.
Mitchell, SD 57301
Mike.neeley@vantagepnt.com

s/JHS
Jeffrey H. Smith
VP, Public Policy and Advocacy
Vantage Point Solutions